

Office of Attorney General Terry Goddard



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FOR IMMEDIATE RELEASE

Goddard Settles Allegations against Bayer over Birth Control Pill

(Phoenix, Ariz. – Feb. 9, 2009) Attorney General Terry Goddard today filed a judgment against Bayer Corporation resolving claims that the company misled women with television advertisements claiming that its popular oral contraceptive, Yaz, is effective for alleviating PMS. This is Goddard's third enforcement action in the past year requiring a pharmaceutical company to make consumers aware of the true risks and limitations of drugs marketed on TV.

"As Attorney General, I am committed to protecting Arizonans' right to make informed decisions about their medical care," Goddard said. "I will aggressively pursue any company that deceives consumers and puts profit ahead of patient well-being."

Today's judgment settles allegations that two direct-to-consumer television ads for Yaz misrepresented the conditions that the drug is approved to treat. Bayer was alleged to have marketed Yaz to treat the symptoms of premenstrual syndrome (PMS) though the drug was not approved to treat this condition. Bayer is also alleged to have promoted Yaz for treating types of acne that it is not approved to treat and exaggerating the positive effects Yaz has on acne.

The agreement with Bayer reached today by Goddard, 26 other state Attorneys General and the FDA requires the company to conduct a \$20 million corrective advertising program to remedy misinformation from the misleading Yaz ads as well as to:

- Submit all future television "direct to consumers" Yaz advertisements to the FDA for review and comment prior to dissemination in the marketplace,
- Comply with all regulatory comments the FDA makes regarding the advertising,
- Clearly and conspicuously disclose exactly what the drug is FDA-approved to treat when referring to medical conditions and their symptoms in all Yaz print ads.

In 2007, Goddard and other state Attorneys General reached an agreement with Bayer following the company's alleged deceptive advertising, including non-disclosure of safety risks, of cholesterol lowering drug Baycol. Today's judgment resolves allegations that Bayer's marketing of Yaz violated that agreement as well as modifies the original agreement.

Consumers wanting more information on this case or consumer protection should contact the Attorney General's Office in Phoenix at 602.542.5763, in Tucson at 520.628.6504 or outside the Phoenix and Tucson metro areas at 1.800.352.8431. To file a complaint in person, the Attorney

General's Office has satellite offices throughout the state with volunteers available to help. Locations and hours of operation are posted on the Attorney General's Web site, www.azag.gov. Consumers can also file complaints on line at the Attorney General's Web site.

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